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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1964.

No. 1031

CAPITOL AIRWAYS, INC.,
Petitioner.

vs.

THE AIRLINE PILOTS ASSOCIATION, INTERNATIONAL, *Respondent.*

REPLY OF PETITIONER

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MAY IT PLEASE THE COURT:

Pursuant to Rule 24 (4), petitioner, Capitol Airways, Inc., respectfully submits this very short reply brief to correct very serious misstatements of the record as contained in the brief of respondent in opposition to the granting of the writ.

Hull Award

At Page 4 of respondent's brief it is stated "and as to Capitol's allegations of misconduct, the arbitrator stated:

> "Now I hope these gentlemen don't believe that I can accept such unadulterated claptrap."

The entire paragraph from which this statement is taken commences on Page 73a Appx. and concludes on Page 74a Appx. and reads as follows:

> "The Company in a number of instances during the hearing, but most especially in its concluding statements, claimed that a man 'who has been proven to gamble, to shirk his responsibilities, to cut corners, to avoid Company regulations' should not be allowed to fly their planes, because, as it was put by Mr. Longobardi, 'The next step, sir, will be the result of loss of lives or a great deal of money' (Tr. p. 215), and he implied that the planes and passengers should only be left 'in more competent hands'. Now I hope these gentlemen don't believe that I can accept such unadulterated claptrap. I have been in the industrial field for almost 30 years as an industrial engineer, industrial relations man, consultant and arbitrator, and my experience has never indicated any connection between a person's honesty and competence in doing his job. I understand there were many pirates in days of old who were very competent ship captains. This does not mean that I condone Mr. Hull's actions, but it does mean that I don't think they were quite as heinous as claimed by the Company, or that because he would attempt to smuggle, that his ability and judgment as a pilot becomes impaired."

As further evidence that the System Board was attempting to "dispense its own brand of industrial justice", the opinion of the Board on Page 74a Appx. further states:

> "Obviously the Company cannot allow this sort of activity to occur, nor can it condone these actions or permit its employees to break rules. The point is then whether the breaking of these rules was of such a serious nature that Captain Hull should have been discharged."

Gerhard Award

At Pages 4 and 5 the brief of respondent again incorrectly quotes the record. The quoted statements in respondent's brief do not appear in this record at any point or place, nor are they contained in Exhibit D to the original complaint (Appx. 80a).

Normally, petitioner would not file a reply but felt that it was necessary to correct the erroneous statements used by respondent in its brief in opposition to the granting of the petition.

CONCLUSION

Petitioner respectfully insists that the writ should be granted.

Respectfully submitted,

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515 Nashville Bank & Trust Building,
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